



PATENT  
Attorney Docket No. 101.0052-01000  
Customer No. 22882  
Express Mail No.: EL399234024US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Gary K. Michelson, M.D. )

Serial No.: 09/412,085 )

Filed: October 4, 1999 )

For: METHOD FOR INSERTING )  
FRUSTO-CONICAL INTERBODY )  
SPINAL FUSION IMPLANTS )

Group Art Unit: 3764

Examiner: M. Brown

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

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TECHNOLOGY CENTER 3109

**REPLY TO OFFICE ACTION UNDER 37 C.F.R. § 1.111**

In reply to the Office Action dated August 1, 2000 (Paper No. 5), please amend  
the application as follows:

**IN THE CLAIMS:**

Please cancel claim 1 and add the following new claims:

--18. A method for inserting a spinal implant across a disc space between  
adjacent vertebral bodies of a human spine, said method comprising the steps of:  
distracting said adjacent vertebral bodies to the adjacent vertebral bodies;  
forming a bore from the anterior or posterior aspect of the spinal column across  
the distracted disc space between said adjacent vertebral bodies and into the adjacent  
vertebral bodies, said bore having opposed arcuate portions in an angular relationship  
to one another along at least a portion of each of the adjacent vertebral bodies; and

02/08/2001 MBLANCO 00000074 09412082

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890.00 DP

Reply to OA3

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson, M.D.

Serial No: 09/412,082

Filed: October 4, 1999

For: METHOD FOR INSERTING FRUSTO-  
CONICAL INTERBODY SPINAL  
FUSION IMPLANTS

Art Unit: 3764

Examiner: Brown, M.



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Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☐ No additional fee is required.
- ☒ Applicant hereby requests a three-month extension of time to respond to the above office action.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	20	-	20 **	0	LG=\$18 SM=\$9	\$ 0
INDEPENDENT CLAIMS FEE	1	-	3 ***	0	LG=\$80 SM=\$40	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$270 SMALL ENTITY FEE = \$135	\$ 0
					TOTAL	\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ A fee in the amount of \$ 0 to cover the additional claims fee is enclosed.
- ☒ A fee in the amount of \$ 890.00 to cover the three-month extension of time fee is enclosed.
- ☒ A check in the amount of \$ 890.00 to cover the above fees is enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN &amp; FERRARO LLP

Date: 2-01-01By: 

Amedeo F. Ferraro

Registration No. 37,129

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Attorney Docket No: 101-0052-01000  
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IMPLANTS



Art Unit: 3764

Examiner: Brown, M.

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"Express Mail" Mailing Label No. EL399234024US

Date of Deposit: February 1, 2001

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I hereby certify that

- ☒ Transmittal letter (in duplicate)
- ☒ Reply to Office Action
- ☒ Check in amount of \$ 890.00 for three month extension of time fee
- ☒ Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

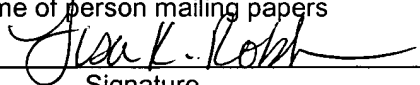
Assistant Commissioner for Patents  
Washington, D.C. 20231.

Date: February 1, 2001

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Lisa K. Robbins

Name of person mailing papers

  
Signature

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